Navigating the Intersection of Celebrity Rights and Character Merchandising: Legal Frameworks and Emerging Challenges under IPR Regime

A

SYNOPSIS

(THESIS PROPOSAL)

SUBMITTED TO

THE ICFAI UNIVERSITY DEHRADUN

IN PARTIAL FULFILLMENT OF THE REQUIREMENT

FOR THE AWARD OF THE DEGREE OF

DOCTOR OF PHILOSOPHY (Ph.D.)

IN

LAW

BY

Ms. Sakshi Mehta
(RSILS230011)

Under the Supervision of
Dr. Suneel Kumar - Sr. Assistant Professor

ICFAI Law School
The ICFAI University, Dehradun
(2025)

Mehta

CANDIDATE'S DECLARATION

I, **Sakshi Mehta**, declare that the synopsis titled, **"Navigating the Intersection of Celebrity Rights and Character Merchandising: Legal Frameworks and Emerging Challenges under IPR Regime"** being submitted in the partial fulfillment of the requirement for the award of the degree of Doctor of Philosophy in Law under ICFAI Law School, The ICFAI University, Dehradun during the academic year 2025-26.

It is the work that is expected to be carried out under the supervision of **Dr. Suneel Kumar**.

It is further declared that the synopsis is within the plagiarism limit and copy of the same is attached as per the University norms.

Candidate's Name: Sakshi Mehta **Date: 17-12-2025**

Enrollment Id: RSILS230011

CERTIFICATE

This is to certify that the thesis entitled, **"Navigating the Intersection of Celebrity Rights and Character Merchandising: Legal Frameworks and Emerging Challenges under IPR Regime"** is an original piece of work done by ***Ms. Sakshi Mehta*** under my supervision being submitted in the partial fulfillment of the requirement for the award of the degree of Doctor of Philosophy in Law under ICFAI Law School, The ICFAI University, Dehradun during the academic year 2025-26.

Further, it is certified that the synopsis is within the plagiarism limit and copy of the same is attached as per the University norms.

Suneel Kr
17/12/2025

Signature of the Supervisor in full

Name: DR. SUNEEL KUMAR

Designation: Senior Assistant Professor

Mehta

CERTIFICATE OF PLAGIARISM CHECK

ICFAI UNIVERSITY DEHRADUN
Recognised under Section 2(f) of UGC Act

ICFAI University Dehradun

Certificate of Plagiarism Check for Synopsis

Author Name	Sakshi Mehta
Course of Study	Ph.D. (Law)
Name of Guide	Dr. Suneel Kumar
Department	ICFAI Law School
Acceptable Maximum Limit	10
Submitted By	research@iudehradun.edu.in
Paper Title	Navigating the Intersection of Celebrity Rights and Character Merchandising: Legal Frameworks and Emerging Challenges under IPR Regime
Similarity	2%
Paper ID	4968145
Total Pages	16
Submission Date	2025-12-17 12:01:44

Mehta
Signature of Student

Suneel Kr.
Signature of Guide

* This report has been generated by DrillBit Anti-Plagiarism Software

Mehta

Table of Contents

CONTENTS
CANDIDATE'S DECLARATION i
CERTIFICATE ii
CERTIFICATE OF PLAGIARISM CHECK iii
ABSTRACT v
1. INTRODUCTION 1
2. RESEARCH PROBLEM 2
3. LITERATURE REVIEW 3
4. SCOPE OF RESEARCH 11
5. RESEARCH OBJECTIVES 11
6. RESEARCH QUESTIONS 12
7. RESEARCH HYPOTHESIS 12
8. RESEARCH METHODOLOGY 13
9. SIGNIFICANCE OF STUDY 14
10. PROPOSED CHAPTERISATION 15
11. PROPOSED PLAN OF WORK 16
12. BIBLIOGRAPHY 17

Mehta

ABSTRACT

With the advent of the different forms of mass media, different social sites, and the increasing trend of the advertisements, it has led to an invasion of the privacy of the celebrities and the exploitation of their goodwill. There are various rights that a celebrity holds such as privacy rights, personality rights, merchandising rights, and publicity rights. The celebrity with their hard work earns fame and goodwill. Sponsorship, promotions and endorsements are some ways by which celebrities make money using their name and fame. This goodwill that they earn is distinctive in nature and more similar to property rights that are solely theirs. The protection of these rights for celebrities is still at an early stage in India, and the current legal provisions is within the Intellectual Property Rights framework are insufficient to provide full protection to these individuals. This study seeks to examine the rights granted to these celebrities and to identify a way to protect these rights.

The researcher will critically evaluate the significance of different rights which have come to be granted to celebrities under the regime of IPR laws and the emerging issues in relation to the protection of character merchandising rights of celebrities. In addition, the researcher will critically assess different important conventions and charters available for protecting rights of celebrities in order to grasp adequate legal rights available to celebrities.

The researcher will elaborate further in detail on the legal protection granted to the celebrities under the IPR regime through the regulatory provisions and judicial statements in order to understand if the laws in India are sufficient enough to provide complete protection to the celebrities. A critical analysis of the judicial status of USA, UK, and Indian jurisdiction will be performed by the researcher to examine and for understanding of the legal status of celebrities.

Keywords: Celebrity Rights, Publicity rights, Personality Rights, Right to Privacy, Moral rights, Character merchandising.

Mehta

1. INTRODUCTION

In today's world, media is very important is because it helps people learn, share information, and have fun. In our daily lives, it has a big effect on how the we think about the many things and problems that are going on around us. The use of both traditional and social media channels affects and influence the way how the people build their understanding about the various issues and hence it necessary to regulate and have strict rules in order to avoid any misuse and cause infringement of the right of people. Intellectual property rights safeguard the creations that individuals produce that aren't tangible and the creativity of the artists. Celebrities use their voices, appearances, identities, and popularity for profit and still their rights have been violated and mistreated in numerous ways. The issues relating to privacy, identity theft, and the unauthorized use of celebrities' names and images are just some of them.

India is known for its rich heritage in the field of media with a huge recognition to the celebrities of the Bollywood industry and the protection provided to them is insufficient to safeguard their rights in the community. Our IPR laws doesn't explicitly uses the term 'celebrity' but the copyright law protects two types of individuals: 'authors' and 'performers' who have the ability to achieve fame and ownership of their creation.[1]

The rights of the celebrities comprise of Economic Rights, Moral Rights, Personality Rights, Publicity Rights, and Privacy Rights which are the most common types of celebrity rights. Certain aspects of these rights have been recognized which show their importance and the necessity for their protection. "The principle of the rights are that a celebrity's reputation can be useful in the marketing of goods, and the celebrity has an interest that can be shielded from illegal commercial use of that identity," according to Leggatt LJ[2]. Famous people have an exclusive legal right to control and benefit from the commercial usage of their names and personalities throughout their lives. Many people use the influencer approach in marketing, and the benefits of increased sales have been confirmed.[3] This brings in a lot more money

[1]Alvin Antony, *Celebrity Rights – Is It Important in India?,* MONDAQ (Jan. 31, 2019), https://www.mondaq.com/india/trademark/777368/celebrity-rights-is-it-important-in-india (last visited Mar 1, 2025).

[2] Carson v. Here's Johnny Portable Toilets Inc., 698 F.2d 831, (6th Cir.1983).

[3]Steve Olenski, *How Brands Should Use Celebrities For Endorsements*, FORBES, (July 20, 2016), https://www.forbes.com/sites/steveolenski/2016/07/20/how-brands-should-use-celebrities-for-endorsements/?sh=29da083e5593 (last visited Mar 24, 2025).

for actors, as many of them make more moneythis way than they do in their regular jobs.[4] When anyone associates celebrities with their product without their permission, it renders the efforts of parties that invest in celebrity related fame ineffective.

The right to publicity comes from the fame - the public recognition which a celebrity holds, that allows her to monitor the commercial use of his persona that includes his name, likeness, signature, or any other identification. In other words, no one can use the attributes of a celebrity to advertise commercial goods without their permission. Celebrities have a significant influence on society and culture as a result of their name and fame which allows them to earn a significant revenue by permitting their image to be utilized for products and marketing rights.

Celebrities' lives are closely observed by the general public, and their behavior and actions affect social behavior in a variety of ways.[5] In view of the fact of the influence that a name of celebrities creates on the general public, it is really important that their rights are clearly established and well protected and therefore to protect a celebrity's endorsement interests, prevent customer deception, and avoid unfair enrichment, the certainty and clarity of their rights is the need of the hour.[6]

2. RESEARCH PROBLEM

The celebrities have a name, fame, rights so the protection has to be necessitated to them. The rights of the celebrities had been abused and misused in many ways in the past. There have been occurrences of privacy breach, misappropriation is of their names and unauthorized commercial use of their names or images on products. Defamation has also been a common misuse where is the pictures of the celebrities have been used by linking them to inappropriate commercials**.** The advertisements in the market has been seen to use the celebrity's image (without their consent) or any dialogue of any movie or assuring to win is a chance to meet a celebrity and all these are the tactics adopted by the companies to earn huge fat profits.

---

[4] Bharati Dubey, *Actors earn more form endorsement than in films*, THE TIMES OF INDIA, (June 26, 2011), https://timesofindia.indiatimes.com/city/mumbai/actors-earn-more-from-endorsements-than-films/articleshow/8996400.cms.

[5] Kalyan C. Kankanala & Sandeep Hegde M., *Publicity Rights in India*, 39 N. KY. L. REV. 247 (2012).

[6] Anurag Pareek and Arka Majumdar, *Protection of Celebrity Rights – The Problems and Solutions,* 11 J. INTELLEC PROP RIGHTS 415, (2006).

Mehta

It is very important and crucial aspect to realize that the scope of celebrity rights is highly broad and current IPR regime is unable to the secure and protect these celebrities' hard-earned fame and goodwill. Celebrities have rights to privacy, publicity, personality, morality, and character merchandising, however, the laws currently in place are insufficient to control and regulate any violations of these celebrity rights.

Therefore, new amendments must be referred in current framework to arrive at a judgment regarding this developing topic and to provide a sound and sufficient remedy with a view to protecting the reputation of these celebrities in this country which lacks pertinent rules and provisions to deal with such issues. Celebrities have the worked extremely hard to gain such a reputation and goodwill in this global market, but they lack a protective umbrella law that grants them such rights.

Considering the above, the goal of the present study is to highlight and shed light on a wide range of issues related to celebrities' rights and their protection under intellectual property laws.

3. LITERATURE REVIEW

A systematic literature review is conducted in which the articles published in the indexed journals of Web of Sciences (WOS), Scopus, were considered. The query contained the following keyword strings: ("Celebrity right") OR ("publicity right") OR ("Character Merchandising Rights") OR ("Publicity Rights"), after the filtration 253 studies have been shortlisted for review for the study of this thesis out of which few have been laid down below. The details for the same have been given below:

Mehta

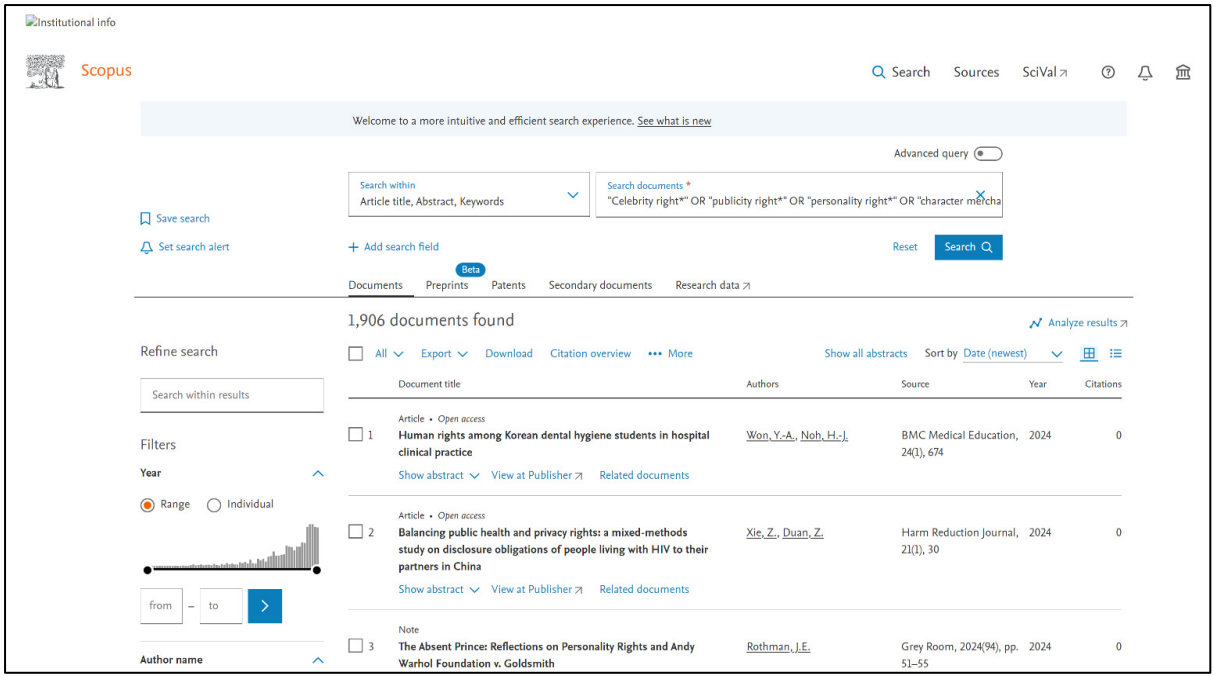

Fig 1: Query Result of Scopus database for Literature Review

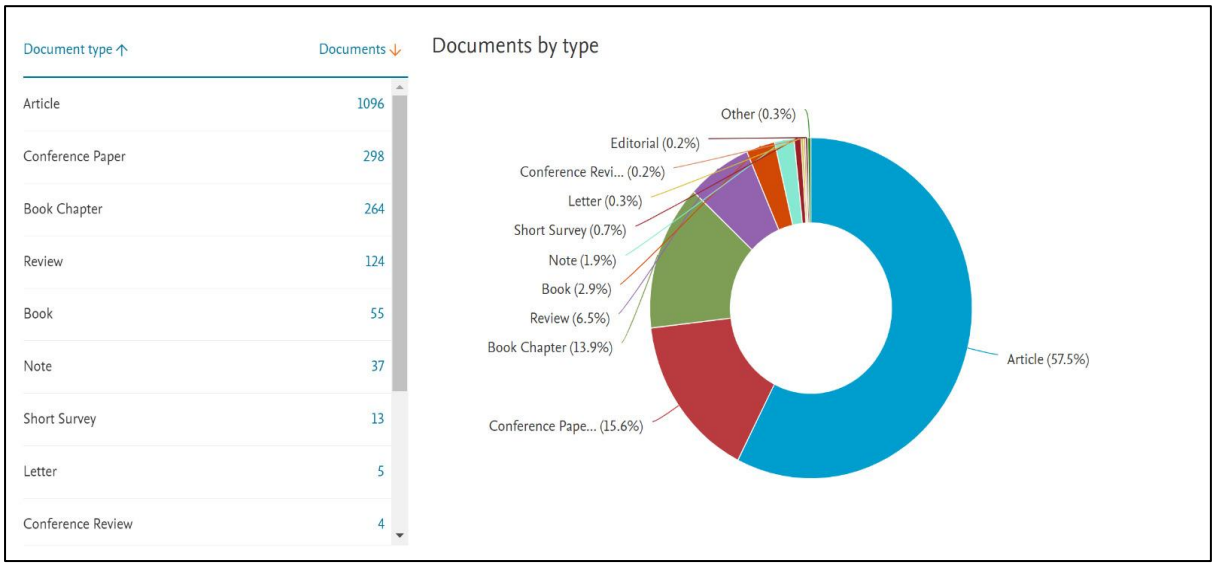

Fig 2: Bifurcation of the documents searches from Scopus

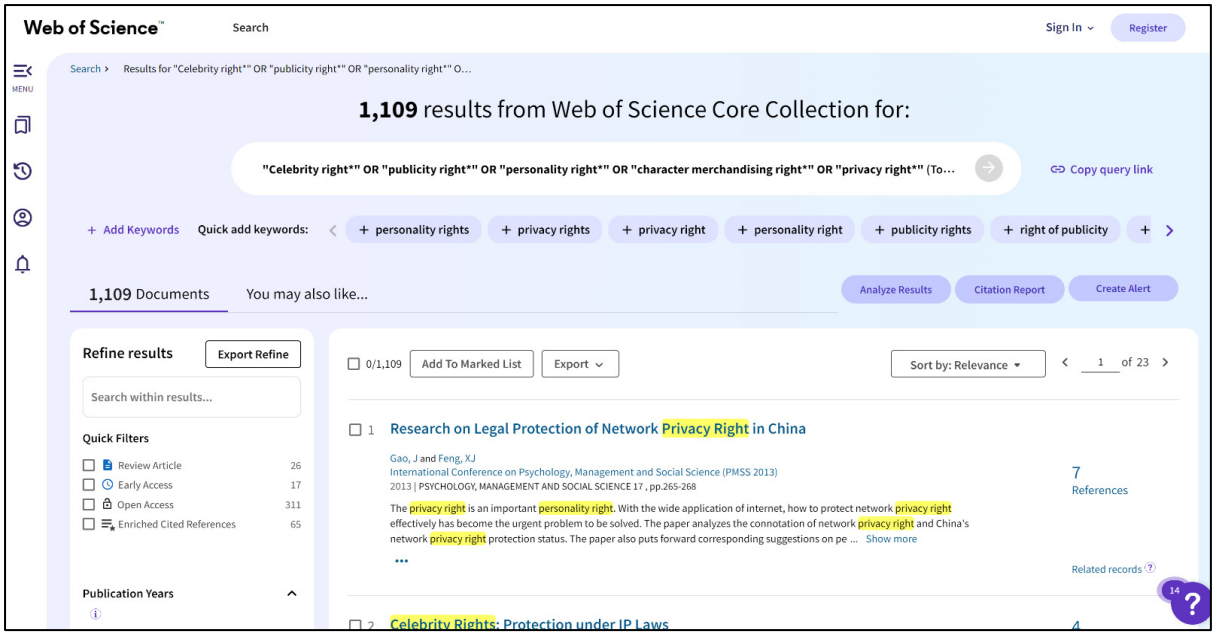
Web of Science
Search
Sign In
Register
Search > Results for "Celebrity right*" OR "publicity right*" OR "personality right*" O...
1,109 results from Web of Science Core Collection for:
"Celebrity right*" OR "publicity right*" OR "personality right*" OR "character merchandising right*" OR "privacy right*" (To...
Copy query link
+ Add Keywords
Quick add keywords:
+ personality rights
+ privacy rights
+ privacy right
+ personality right
+ publicity rights
+ right of publicity
1,109 Documents
You may also like...
Analyze Results
Citation Report
Create Alert
Refine results
Export Refine
Search within results...
Quick Filters
Review Article 26
Early Access 17
Open Access 311
Enriched Cited References 65
Publication Years
0/1,109
Add To Marked List
Export
Sort by: Relevance
1 of 23
1 Research on Legal Protection of Network Privacy Right in China
Gao, J and Feng, XJ
International Conference on Psychology, Management and Social Science (PMSS 2013)
2013 | PSYCHOLOGY, MANAGEMENT AND SOCIAL SCIENCE 17 , pp.265-268
The privacy right is an important personality right. With the wide application of internet, how to protect network privacy right effectively has become the urgent problem to be solved. The paper analyzes the connotation of network privacy right and China's network privacy right protection status. The paper also puts forward corresponding suggestions on pe ... Show more
7 References
Related records
2 Celebrity Rights: Protection under IP Laws
4

Fig 3: Query Result of Web of Science database for Literature Review

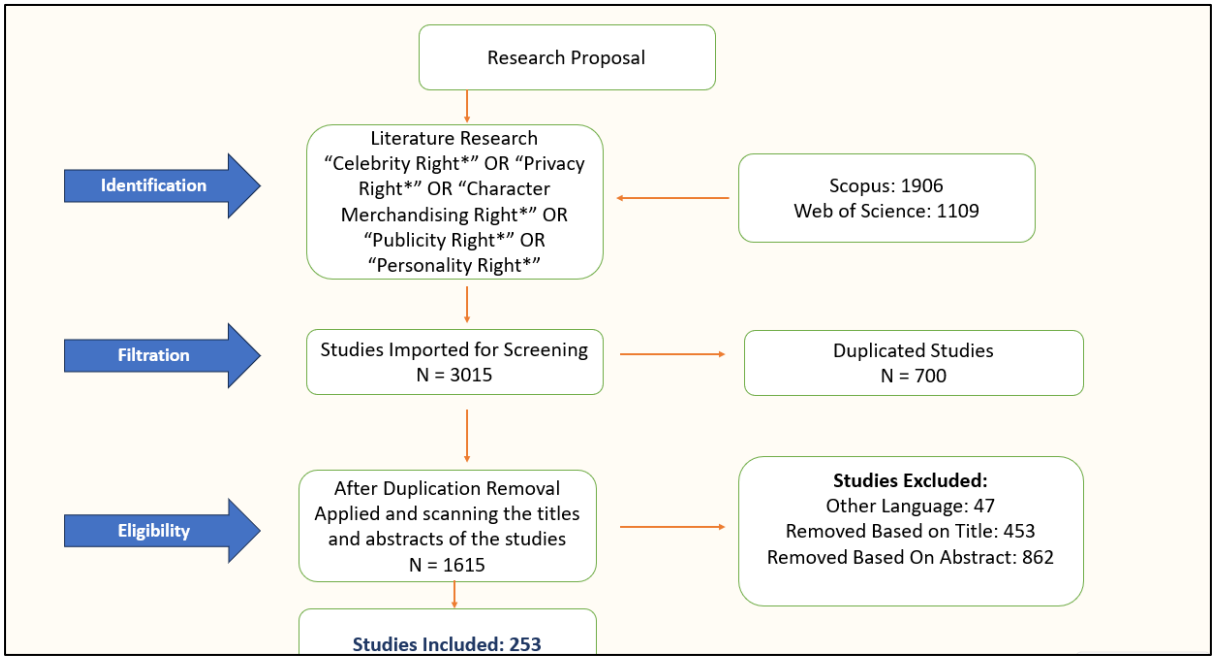
Research Proposal
Identification
Literature Research "Celebrity Right*" OR "Privacy Right*" OR "Character Merchandising Right*" OR "Publicity Right*" OR "Personality Right*"
Scopus: 1906
Web of Science: 1109
Filtration
Studies Imported for Screening N = 3015
Duplicated Studies N = 700
Eligibility
After Duplication Removal Applied and scanning the titles and abstracts of the studies N = 1615
Studies Excluded:
Other Language: 47
Removed Based on Title: 453
Removed Based On Abstract: 862
Studies Included: 253

Fig 4: The PRISMA (Preferred Reporting Items for Systematic reviews and Meta-Analyses) Report

1. ***Anurag Pareek and Arka Majumdar, Protection of Celebrity Rights – The Problems and Solutions, 11 J. INTELLEC PROP RIGHTS 415, (2006).***

This study focuses on India's publicity rights in respect to laws the governing the names, likenesses, and photographs of well-known individuals. In contrast to America and Britain,

Mehta

where laws are in the existence to promote rights under this legislation, the writers have pointed out that is Indian law lacks legislation pertaining to this right. They have taken into account obstacles to this right, such as legal ambiguity and exploitation.

Research Gap:
Since deepfakes and influencers' rights were still in their infancy in 2006, the paper ignores digital and social media issues. Additionally, it ignores new privacy legislation in India and the economic or cultural issues is pertaining to social media influencers or the Indian media sector.

2. T Vidya Kumari, "Celebrity Rights as a Form of Merchandise – Protection under the Intellectual Property Regime", 9 J. INTELLEC PROP RIGHTS 120 (2004).
This research studies the contradictory nature of the rights of the celebrities, focusing on the relationship between is the rights to privacy and publicity. Through a thorough judicial study, this research evaluated how the celebrity names have been is interpreted in an Intellectual Property law framework in India.

Research Gap:
The article fails to address the issues related to social media and online platforms in relation to character merchandising. The article fails to showcase case in studies in Indian law to highlight various issues relating to evolving laws concerning privacy rights.

3. Souvanik Mullick and Swati Narnaulia, "Protecting Celebrity Rights through Intellectual Property Conceptions", 1 NUJS L. Rev. 615 (2008).
In this article, an analysis is conducted concerning the rationale for protecting celebrities under Intellectual Property laws on a doctrinal, moral, and economic basis. A comparative analysis will be carried out concerning the USA, UK, and Indian laws, in order to assess if a sufficient level of protection is being provided under these regional frameworks.

Research Gap:
The article fails to address social media stars and digital platform influencers, which have gained recognition since 2008. The article fails to present case studies in relation to a country such as India and missed opportunities to highlight enforcement issues in light of the Puttaswamy case of 2017. The analysis fails to present dynamic comparisons in light of global

Mehta

trends.

4. Sanhita Ambast, Protection Performer's Right: Does India Need Law Reforms?, 13 JIPR 574 (2008).

The author in the article studies the rights of the performers under the IPR regime and states that the laws are outdated and insufficient to protect the celebrities and handle issues such as deepfake. It discusses the inefficiency to protect the celebrities against the digital challenges.

Research Gap:

The article does not cover as to how the celebrities are affected in the today's world by the influence of the digital media and social media influencers, which evolved after 2008. The article does not cover the in-depth case is studies in the Indian context.

5. Tabrez Ahmad and Satya Ranjan Swain, Celebrity Rights: Protection under IP Laws, 16 J. INTELLEC PROP RIGHTS 7 (2011).

This paper discusses various celebrity rights such as privacy, publicity, personality, and merchandising under India's intellectual property laws. The paper examines is the need for their protection and analyses safeguards provided is by international conventions. It highlights in gaps in India's legal framework and advocates for is stronger protections to address commercial exploitation of celebrity identities.

Research Gap:

While more recent than earlier works, the paper does not fully address emerging digital challenges like deepfakes or social media is dynamics. The paper lacks analysis of digital ecosystems, like NFTs or social media, for celebrity rights and misses cross-jurisdictional enforcement or cultural influences. It did not explore AI or blockchain-based protections.

6. Dr. B.L. Wadehra, Law Relating to Intellectual Property (Lexis Nexis 2011)

This book treats of rights of performers and personal endorsements, with a focus on incorporating publicity rights into a larger context of rights of performers. The role of character merchandising and the corresponding rights accorded by the IP environment in India is also discussed.

Mehta

Research Gap:

The present volume does not include matters such as digital media or social media influencers, which gained importance after 2011. The volume neither delves into case studies pertaining to India nor considers the effect of developing privacy laws enacted in Puttaswamy in 2017.

7. Garima Budhiraja, "Publicity Rights Of Celebrities: An Analysis under the Intellectual Property Regime", 7 NALSAR Student L.Rev. 86 (2011)

In this article, an assessment was conducted as to why celebrities need to have their rights to publicity protected, and flaws in the existing IP laws in India was explored with a focus on image rights.

Research Gap:

The paper does not fully address emerging digital challenges like deepfakes or social media is dynamic and fails to highlight enforcement tools, making it's less relevant to current situations.

8. Nishant Kewalramani, Character Merchandising, 17 JIPR 454 (2012)

The paper examined the existing laws and is of judicial decisions on character merchandising rights of the celebrities under the IP regime and addresses the need for stringent laws to protect celebrities' rights to merchandising.

Research Gap:

The research ignored more general concerns about celebrity rights, such as the exploitation of digital likenesses or international enforcement and concentrated just on commercialization. Publicity rights in digital environments and cultural effects were not discussed.

9. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (Eastern Book Company 2014).

In this research, the study of celebrity rights shall focus on character merchandising under the evolving intellectual property regime in India. Jurisprudence in this area and trends in protecting such rights shall be highlighted since existing laws may need an overhaul in order to keep pace.

Research Gap:

The textbook fails to cover digital challenges such as social influencers or deepfakes. A broad

Mehta

IP framework is given in the study, but the matter of celebrity rights in digital technology such as AI or NFT is not considered.

10. Dr. Ranjana Ferrão, "Status of Celebrity Marks in India", JLJ 64 (2016).

This paper examines the relationship between celebrity endorsements and product commoditization, analysing instances of misuse of celebrity names globally and in India. Through judicial decisions, this research evaluated how the celebrity names have been is interpreted in an Intellectual Property law framework in India.

Research Gap:

The paper does not fully explore social media influencers or deepfake-related challenges The study failed to explore digital protections for celebrity marks, such as online misuse or NFTs, and omitted global enforcement or cultural analysis of celebrity identity in India.

11. Shruti Bhushan, Protecting Celebrity Rights under IP Law Regime, 4 SAJMS 268 (2017).

This author conducted a comparative study has been performed among IP laws in the UK, US, and India and highlights struggles of right to be publicity protected, and flaws in the existing IP laws in India with a focus on image rights.

Research Gap:

The article does not completely explore the digital challenges like deepfakes or social media influencers. This study misses the digital challenges for publicity rights and lacks global enforcement perspectives or cultural analysis.

12. Shilpika Pandey, "Celebrity Rights Protection under Intellectual Property Rights Regime: A Critical Analysis", 6 IJCRT 1602 (2018).

This paper discusses various celebrity rights such as privacy, publicity and personality under India's intellectual property laws. It highlights in gaps in India's legal framework and advocates for is stronger protections to address commercial exploitation of celebrity identities.

Research Gap:

The article does not completely explore global trends in celebrity rights or AI/blockchain

Mehta

impacts, nor does it address digital platform challenges or cultural influences. It also lack cross-jurisdictional enforcement analysis.

13. Prakash Sharma and Devesh Tripathi, Celebrityagony: Establishing Publicity Rights under the existing IPR framework, ILI L. Rev. 41 (2019).

In this research, celebrity publicity rights in the Indian IP framework are discussed. The article studies judicial tendencies in Indian law with a focus on publicity rights and ways to improve protection against commercial exploitation.

Research Gap:

The paper does not fully explore digital challenges like deepfakes or social media influencers. This study misses the digital challenges for publicity rights and lacks global enforcement perspectives or cultural analysis.

14. Dr. Lisa P. Lukose and Shilpika Pandey, Protection of Celebrity Rights - A Comparative Analysis of Relevant IPR Laws In US, UK and India, 14 JIP 88 (2019)

This author compares celebrity rights protections under is intellectual property laws in the USA, UK, and India, analysing judicial trends and legal frameworks. The paper advocates for a universal legal mandate to standardize protections and address unauthorized use of celebrity identities.

Research Gap:

The paper does not fully address digital challenges is like deepfakes or the rise of social media influencers. This source probably lacks focus on digital platforms, like AI or social media, for celebrity rights and lacks digital platform analysis, or cultural influences. It has not fully explored in character merchandising specifics.

15. Dr. Gurmeet Kaur, Right to Privacy and Right of Personality: Legal Discourse in India, 6 IJRAR 758 (2019).

The present writer focuses on wellsprings of right to the privacy and the rights of celebrities in with respect to media intrusion in contemporary times. The remedies available with respect to right in infringements under the intellectual property framework in India have also been highlighted.

Mehta

Research Gap:

The article does not address digital challenges such as deepfakes or social media influencers in depth. The article lacks in-depth enforcement methods and in an in-depth analysis of balancing in rights pertaining to personality and publicity rights.

4. SCOPE OF RESEARCH

The existing literature on celebrity rights protection under the Intellectual Property Rights (IPR) regime in India gives a basis of understanding but shows important shortcomings in being relevant to the current state of affairs. Most existing literature fails to cover emerging trends in digital media, social media sites, deepfakes, and AI-generated content, thus not addressing issues such as online advertisements using celebrity images without permission. A lack of case studies in the Indian setting is important in understanding the financial effects of violating these rights.

This study aims to examine the legal protections afforded to celebrities under the Intellectual Property Rights (IPR) framework in India. It will analyze the concept of privacy rights, personality rights, publicity rights and character merchandising and the emerging issue related to the use of celebrities' names as domain names. The study of USA, UK and India legal protections will be conducted to contextualize the global landscape of celebrity rights. The study will further draw upon the principles of Intellectual Property Law (Copyright Act, 1957; Trade Marks Act, 1999), the Constitution of India, and Information Technology Act, 2000 limiting itself to Bollywood Industry. In addition, it will trace the judicial evolution of celebrity rights in India and evaluate the contemporary legal and policy measures required to strengthen their protection.

5. RESEARCH OBJECTIVES

RO1. To identify and assess the scope, definition, and enforceability of celebrity rights (publicity, personality, privacy, moral, and character merchandising) under India's IPR regime.

RO2: To assess the adequacy of India's IPR laws and judicial rulings in protecting celebrity

Mehta

rights, identify gaps in addressing digital misuse and character merchandising.

RO3: To analyze and compare the legal frameworks governing celebrity rights in the US, the UK, and India, with emphasis on their scope, protection, and enforcement.

RO4: To propose targeted legislative reforms for comprehensive protection of celebrity rights in the digital era.

6. RESEARCH QUESTIONS

RQ1: How are celebrity rights defined and enforced under India's IPR framework, and who qualifies as a "celebrity" in legal terms?

RQ2: What are the character merchandising rights of the celebrity?

RQ3: What are the laws in the US and UK regarding the celebrity rights?

RQ4: To what extent do current IPR laws and judicial decisions safeguard celebrity rights against digital exploitation and character merchandising?

RQ5: What specific legislative and policy reforms are required to bridge gaps in protecting celebrity goodwill from unauthorized commercial use?

7. RESEARCH HYPOTHESIS

H1: Thers is no statutory definition of "celebrity," under IPR framework, restricting enforceability of publicity, personality, privacy, moral, and merchandising rights.

H2: Current IPR laws and judicial pronouncements inadequately address the emerging digital misuse and character merchandising challenges for celebrities.

8. RESEARCH METHODOLOGY

This study adopts a **purely doctrinal research methodology**, focusing on an in-depth analysis of legal principles, statutory frameworks, judicial decisions, and scholarly interpretations relating to celebrity rights in India. Given the legal character of the research which investigates safeguarding of publicity, privacy, personality, moral rights, and character marketing, the study relies only on a methodical assessment of main and secondary legal sources rather than empirical data collecting.

Nature of Research

The research is qualitative, analytical, and descriptive, with the goal of assessing the current legal position and identifying deficiencies in India's Intellectual Property Rights (IPR) framework. It also employs a comparative doctrinal approach, evaluating legal developments in the US and the UK, two nations noted for their well-established doctrines on publicity and personal rights.

Sources of Data

a) **Primary Sources**

The study will explore the - statutory provisions such as the Copyright Act, 1957; Trade Marks Act, 1999; Information Technology Act, 2000; and relevant constitutional protections. Various judicial precedents from the Supreme Court and various High Courts are relating to privacy, personality rights, publicity rights, and character merchandising and the international instruments, including WIPO treaties and global standards influencing the recognition of celebrity rights.

b) **Secondary Sources**

Secondary data will cover the commentaries on Copyright Act, 1957; Trade Marks Act, 1999, Constitutional law, and IT law. The research papers, books, and legal analyses authored by scholars and practitioners. The reports, law commission publications, and credible online legal database and the comparative literature on celebrity rights in the USA and UK.

Comparative Legal Analysis

The research will cover the comparative analysis of the US model - which treats publicity rights

Mehta

as an economic and proprietary is interest, the UK model - which integrates privacy, personality, and moral rights through the tort and human rights frameworks and the Indian model, which draws from constitutional protections and judicial innovation. This comparative methodology aids in identifying best practices and evaluating how India may improve its legal recognition of celebrity rights, particularly in the digital setting.

Analytical Framework

The doctrinal analysis will focus on interpretating the legal texts and judicial reasoning, identifying the discrepancies between the legislative and judicial protections and examining the Indian judicial decisions regarding domain name disputes, character merchandising and celebrity rights.

Data Analysis

In order to identify legal patterns and principles for this doctrinal study - content analysis of cases, legislation, and scholarly publications will be carried out. A comparative comparison will be conducted between the legal systems of the US and the UK and a critical analysis will assess the current safeguards and suggest changes.

9. SIGNIFICANCE OF STUDY

The study of protecting the celebrities under the Intellectual Property Rights (IPR) legislation in India is significant as it relates to the crucial aspects of law, society, and economy in an evolving digital and media-centric landscape. This thesis will map out a significant gap in characterising and protecting the set of rights of celebrities - publicity, personality, privacy, moral, and character merchandising rights within the framework of India's intellectual property rights legislation. This study will explore the of enforceable rights of 'celebrities' within the digital is landscape of social media and deepfakes. This thesis will assess is the effectiveness of the current IPR laws in India, underlining in deficiencies in addressing contemporary issues such as digital exploitation and character commercialization.

This research will suggest the reforms to strengthen legislation and provide comprehensive protection to celebrities against commercial exploitation after doing a thorough study of the laws and the judicial legislation decision of US, UK and India. The outcome of this research will be extensive, influencing policymakers, legal practitioners, and the media sector in India. This research will serve as a critical milestone in establishing an equitable and just intellectual

Mehta

property rights legal framework for celebrities in India.

10. PROPOSED CHAPTERISATION

Chapter 1: Introduction

- Abstract
- Scope of Research
- Research Problem
- Research Gap
- Research Objectives
- Research Hypotheses
- Significance of the Study

Chapter 2: Conceptual Connotation and Historical Retrospect of the Right to Celebrity

- Definition of "Celebrity" and Associated Rights
- Historical Evolution in India
- Justification for Legal Protection: Misappropriation of Value - Locke's Theory of Property, Privacy for Personality - Hegelian Philosophy & Economic Justifications - Incentive Theory
- Need for Legal Protection

Chapter 3: National and International Perspectives on the Right to Celebrity

- India's IPR Framework and IT Act
- International Conventions
- Landmark Case Laws
- Comparative Analysis: Bollywood vs. Hollywood
- Case Study Analysis
- Comparative Insights (India vs. USA & UK)

Chapter 4: Judicial Protection of the Right to Celebrity: Recent Trends and Developments

- Digital Media Challenges (Deepfakes, Social Media Misuse)
- Character Merchandising Issues
- Strengthened Literature Review with Case Laws
- Proposed Legal Reforms

Chapter 5: Conclusion and Suggestions

Mehta

- Summary of Findings
- Testing of Hypotheses
- Proposed Legal Framework
- Recommendations for Legislative Reforms
- Balancing Celebrity Rights and Public Interest

11. PROPOSED PLAN OF WORK

S.No.	Proposed Work	Tentative Date
1.	Thesis Proposal Defense	December, 2025
2.	Extended Literature Review	January, 2026
3.	Research publication and Data Collection	February, 2026
4.	Chapter 1: Introduction; Chapter 2: Conceptual Connotation and Historical Retrospect; Chapter 3: National and International Perspectives	March, 2026
5.	Chapter 4: Recent Trends and Developments; Chapter 5: Conclusion and Suggestions	July 2026
6.	Publications	July, 2026
7.	Thesis Submission	December, 2026

Mehta

12. BIBLIOGRAPHY

A. PRIMARY SOURCES

I. STATUES

1. The Constitution of India, 1950.
2. Copyright Act, 1957.
3. Trade Marks Act, 1999.
4. The Information Technology Act, 2000.

II. CONVENTIONS

1. Berne Convention for the Protection of Literary and Artistic Works, 1886.
2. Rome Convention, 1961.
3. TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994.
4. WIPO Performances and Phonograms Treaty, 1996.

B. SECONDARY SOURCES

I. BOOKS:

- 1 ELIZABETH VERKEY, LAW OF PATENTS, (Eastern Book Co. 2005).
- 3 COLSTON CATHERINE & GALLOWAY JONATHAN, MODERN INTELLECTUAL PROPERTY LAW 736 (Routledge Publications 2010).
- STEPHEN R. MUNZER, NEW ESSAYS IN THE LEGAL AND POLITICAL THEORY OF PROPERTY 168 (Cambridge University Press, 2001).
- 74 LEO BRAUDY, THE FRENZY OF RENOWN: FAME AND ITS HISTORY 578 (Oxford University Press, 1986).
- M.P. JAIN, INDIAN CONSTITUTIONAL LAW 988 (Lexis Nexis 2008).
- 3 MCCARTHY, J. THOMAS, THE RIGHTS OF PUBLICITY AND PRIVACY, (Clark Boardman Callaghan, 2004).

II. Research Papers/ Articles:

Mehta

1. Prakash Sharma and Devesh Tripathi, Celebrityagony: Establishing Publicity Rights under the existing IPR framework, ILI L. Rev. 41, (2019).
2. Tabrez Ahmad and Satya Ranjan Swain, *Celebrity Rights: Protection under IP Laws,* 16 J. INTELLEC PROP RIGHTS 7, (2011).
3. Anurag Pareek and Arka Majumdar, Protection of Celebrity Rights – The Problems and Solutions, 11 J. INTELLEC PROP RIGHTS 415, (2006).
4. Kalyan C. Kankanala & Sandeep Hegde M., *Publicity Rights in India*, 39 N. KY. L. REV. 247 (2012).
5. Louis D. Brandeis & Samuel D. Warren, The Right to Privacy, 4 HARV. L. REV. 193 (1890).
6. Ruth Gavison, *Privacy and Limits of Law,* 89 Yale L. J. 421, 438 (1980).
7. Souvanik Mullick and Swati Narnaulia, *Protecting Celebrity Rights through Intellectual Property Conceptions*, 1 NUJS L. Rev. 615, (2008).
8. H. Lee Hetherington, *Direct Commercial Exploitation of Identity: A New Age for the Right to Publicity*, 17 COLUM.-VLA J.L. & ARTS 1 (1992).
9. Bruce P. Keller, *Condemned to Repeat the Past: The Reemergence of Misappropriation and Other Common Law Theories of Protection for Intellectual Property*, 11 HARV. J.L. & TECH. 401 (1997).
10. Melville B. Nimmer, *The Right of Publicity*, 19 LAW & CONTEMP. PROBS. 203 (1954
11. William L. Prosser, *Privacy*, 48 Calif. L. Rev. 383 (1960).
12. Dr. Gurmeet Kaur, Right to Privacy and Right of Personality: Legal Discourse in India, 6 IJRAR 758, (2019).
13. Shilpika Pandey, *Celebrity Rights Protection under Intellectual Property Rights Regime: A Critical Analysis,* 6 IJCRT 1602, (2018).
14. Richard B. Hoffman, *The Right Of Publicity-Heirs' Right, Advertisers' Windfall, Or Courts' Nightmare?*
15. James M. Treece, *Commercial Exploitation of Names, Likenesses, and Personal Histories*, 51 TLR 637 (1973).
16. Michael Madow, *Private Ownership of Public Image; Popular Culture and Publicity Rights*, 81 Calif. L. Rev. 125 (1993).
17. George M. Armstrong, Jr., *The Reification of Celebrity: Persona as Property*, 51 La. L. Rev. 443 (1991).

Mehta

18. Alice G. Donenfeld, *Property or Others Rights in the Names, Likenesses, or Personalities of Deceased Persons*, 16 Bull. Copyright Soc'y 17-18 (1968).

19. Robert C. Bird & Lucille M. Ponte, Protecting Moral Rights in United States and United Kingdom: Challenges and Opportunities Under U.K.'s New Performance Regulations, 24 B.U. INT'L. L. J. 213, 215-216 (2006).

20. Roberta Rosenthal Kwall, Preserving Personality and Reputational Interests Through Constructed Personas Through Moral Rights: A Blue Print for Twenty First Century, U. ILL. L. REV. 151, 151-152 (2001).

21. Shruti Bhushan, Protecting Celebrity Rights under IP Law Regime, 4 SAJMS 268, (2017).

22. T Vidya Kumari, Celebrity Rights as a Form of Merchandise – Protection Under the Intellectual Property Regime, 9 J. INTELLEC PROP RIGHTS 120 (2004).

23. Daniel J. Solove, Conceptualizing Privacy, 90 CALIF. L. REV. 1087, 1092 (2002).

24. Louis D. Brandeis & Samuel D. Warren, The Right to Privacy, 4 HARV.L.REV. 193 (1890).

25. Abhay Lunia and Itishri Upadhyay, Protecting Celebrity Rights Under Intellectual Property, 1 INT. J. L. DEV. & ALLIED ISSUES 4, (2019).

26. Gary S. Stifleman, Community Property Interests in the Right of Publicity: Fame and/or Fortune, 25 UCLA L. Rev. 1102 (1978).

27. David Tan, Beyond the Trademark Law: What the Right of Publicity Can Learn From Cultural Studies, 25 CARDOZO ARTS & ENT. L. J. 913, 914 (2008).

28. Garima Budhiraja, Publicity Rights Of Celebrities: An Analysis under the Intellectual Property Regime, 7 NALSAR Student L.Rev. 85 (2011).

29. Nishant Kewalramani, Character Merchandising, 17 JIPR 454, (2012).

30. Dr. Lisa P. Lukose and Shilpika Pandey, Protection of Celebrity Rights - A Comparative Analysis of Relevant IPR Laws In US, UK and India, 14 JIP 88, (2019).

31. Eliana Torres, The Celebrity Behind the Brand International Protection of the Right of Publicity, 6 PACE. INTELL. PROP. SPORTS & ENT. L.F. 116 (2016).

32. Mostert, Frederick W., Well-Known and Famous Marks: Is Harmony Possible in the Global Village, 86 TR., 103, 112(1996).

33. Black Hilary May, The Role Of Trademark Law In The Protection Of Celebrity Personality, 7 MEDIA & ARTS L. REV. 105, 106 (2002).

Mehta

34. Douglas G. Baird, *Human Cannonballs and the First Amendment: Zacchini v. Scripps-Howard Broadcasting Co*., 30 S.L. REV., 1185 (1978).

35. Dr. Gurmeet Kaur, Right to Privacy and Right of Personality: Legal Discourse in India, 6 IJRAR 758, (2019).

36. Dr. Ranjana Ferrão, Status of Celebrity Marks in India, Jamia L. J. 64 (2016).

37. Eric J. Goodman, A National Identity Crisis: The Need for a Federal Right of Publicity Statute, 9 DEPAUL J. ART & ENT. LAW, 227, 231(1999).

38. Jan Klank, 50 Years of Publicity Rights in the United States and the Never Ending Hassle with Intellectual and Personality Rights in Europe, 4 I.P.Q. 363, 368 (2003).

39. Olaf Weber, Human Dignity and the Commercial Appropriation of Personality: Towards a Cosmopolitan Consensus in Publicity Rights?, 1 SCRIPT-ed, 161 (2004).

40. Mark Bartholomew, A Right is Born: Celebrity, Property, and Postmodern Lawmaking, 44 Conn. L. Rev. 301 (2011).

41. Keren Levy, Trademark Parody: A Conflict between Constitutional and Intellectual Property Interests, 69 GEO. WASH. L. REV. 425, 428-29 (2001).

42. Souvanik Mullick and Swati Narnaulia, Protecting Celebrity Rights through Intellectual Property Conceptions, 1 NUJS L. Rev. 615, (2008).

43. Sanhita Ambast, Protection Performer's Right: Does India Need Law Reforms?, 13 JIPR 574, (2008).

44. Teller B, Towards a Better Protection of Performers' Rights in the USA, 28 COLUMBIA J. TRANSNATIONAL L. 775 (1990).

45. Downing v Abercrombie and Fitch, 265 F.3d 994 (9th Cir. 2001).

46. Jennifer E. Rothman, Copyright Preemption and the Right of Publicity, 36 U.C. DAVIS LAW REV., 199 (2002).

47. Lee Goldman, Elvis is alive, But he shouldn't be: The right of publicity revisited, 3 BYU Law Review, 597 (1992).

48. Robinson R, Preemption, the right of publicity, and a New Federal Statute, 16 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 183 (1998).

49. Jan Klank, 50 Years of Publicity Rights in the United States and the Never Ending Hassle with Intellectual and Personality Rights in Europe, 4 I.P.Q. 363, 368 (2003).

50. Elisabeth Logeais and Jean-Baptiste Schroeder, The French Right of Image: An Amiguous Concept Protecting the Human Persona, 18 Loy. L.A. Ent. L. Rev. 511 (1998).

Mehta

51. Kateryna Moskalenko, The right of publicity in the USA, the EU, and Ukraine, 1 INT'L COMP. JURIS. 113 (2015).

52. Alvin Antony, Celebrity Rights – Is It Important in India?, MONDAQ (Jan. 31, 2019), https://www.mondaq.com/india/trademark/777368/celebrity-rights-is-it-important-in-india (last visited May 1, 2025).

53. Steve Olenski, How Brands Should Use Celebrities For Endorsements, FORBES, (July 20, 2016), https://www.forbes.com/sites/steveolenski/2016/07/20/how-brands-should-use-celebrities-for- endorsements/?sh=29da083e5593 (last visited May 1, 2025).

54. Ranjan Narula and Abhishek Nangia, India: Reacting to a celebrity-obsessed culture, WORLD TRADEMARK REVIEW (Jan. 5, 2015), https://www.worldtrademarkreview.com/india-reacting- celebrity-obsessed-culture (last visited on April 17, 2025).

55. Salman Waris, Legal opinion: Celebrity domain squatting on the rise in India, LI (July 7, 2010) https://www.legallyindia.com/legal-opinions/legal-opinion-celebrity-domain-squatting-on-the-rise-in- india (last visited on April 17, 2025).

56. WORLD TRADE ORGANIZATION, https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm (last visited April 20, 2025).

57. Mudita Gairola, Protection Of Celebrity Rights/ Personality Rights In India, MONDAQ (Apr. 30, 2019)https://www.mondaq.com/india/privacy protection/801764/protection-of-celebrity-rights- personality-rights-in-india (last visited on Apr. 24, 2025).

58. Rachna Bakhru, India: It's all in the name, WORLD TRADEMARK REVIEW, (July 1, 2017) https://www.worldtrademarkreview.com/enforcement-and-litigation/india-its-all-name, (last visited on April 24, 2025).

Mehta